

COMMON COUNCIL MEETING MINUTES

MONDAY, JUNE 19, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:03 p.m.

Pastor George Ferch, Bethlehem Lutheran Church of Carmel, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Mayo made a motion to approve the Minutes of the June 5, 2006 Regular Meeting. Councilor Rattermann seconded. Councilor Griffiths asked for a clarification of verbiage on page three, line 49. Clerk-Treasurer Diana L. Cordray advised Council that the tape would be reviewed and the Minutes would be placed on the next agenda for approval.

Councilor Mayo made a motion to approve the Minutes of the June 7, 2006 Special Meeting. Councilor Carter seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 5-0 (Councilors Kirby and Mayo abstained).

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

The following individuals spoke in opposition to Ordinance D-1810-06 (No Smoking):

Bruce Calabrese
Chris Meyer (Nippers II)
Laura Stark
John Moore
Tammy Smith
Nick Ohmer

792 Winter Court, Carmel, IN 46032
6730 Spirit Lake Drive, Carmel, IN 46032
303 Thornberry Drive, Carmel, IN 46032
P O Box 1802, Carmel, IN 46032
29 W. Main Street, Indianapolis, IN
12250 Charing Cross, Indianapolis, IN

The following individuals spoke in favor of Ordinance D-1810-06 (No Smoking):

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| Anita Wood Gaillard/IN Tobacco Prevention & Cessation Agency | 13775 Offutt Drive, Carmel, IN 46032 |
| Sandy Tynan/Yorkshire Rose Pub | 1305 E. 106 th Street, Indianapolis, IN 46280 |
| Melissa Lewis/IN Academy of Family Physicians | 55 N. Meridian Street, Indianapolis, IN |
| Tim Filler/Smokefree Indy, Hoosier Faith & Health Coalition | P O Box 1657, Indianapolis, IN 46206 |

The following individuals representing Haverstick HOA addressed Council:

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|-------------------------------|---|
| Deborah Doodeman | 5933 Alder Court, Carmel, IN 46033 |
| McCall Wirth | 13788 Flintridge Pass, Carmel, IN 46033 |
| Mike Hittesdorf | 13841 Waywing Court, Carmel, IN 46033 |
| Jeff Wertz | 5794 Annandale Drive, Carmel, IN 46032 |
| Steve Williams (attachment 1) | 13940 Sassafern, Carmel, IN 46033 |
| Bob Burton | 5837 Arrowleaf Lane, Carmel, IN 46033 |

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Councilors Sharp and Rattermann addressed the Haverstick homeowners concerns with the drop in water levels in the Haverstick ponds.

Councilor Griffiths addressed Ordinance D-1810-06 (No Smoking) and why he sponsored the ordinance.

Councilor Carter responded to Mr. Calabrese's comments.

Council President Sharp announced that the Council Meeting scheduled for Monday, July 3, 2006 will be cancelled. There will be a Special Meeting scheduled for July 6 or July 7.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$2,874,178.93. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. Claims were approved 7-0.

COMMITTEE REPORTS:

Councilor Rattermann reported that the Finance, Administration and Rules Committee had not met.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met and discussed Ordinance D-1811-06, which was sent to the full Council with a 2-2 recommendation, Ordinance Z-489-06 which was sent to the full Council with no recommendation and Ordinance Z-492-06, which was sent to the full Council with a 4-0 favorable recommendation.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. The next meeting will be held on Tuesday, July 11, 2006 at 3:00 p.m.

Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee met and discussed Ordinance D-1810-06, which was sent to the full Council with a 2-1 favorable recommendation.

OLD BUSINESS

Council President Sharp announced the **Sixth Reading of Ordinance D-1799-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects). Councilor Glaser made a motion to move Ordinance D-1799-06, As Amended, VERSION A – 6/8/06, into business. Councilor Rattermann seconded. There was brief Council discussion. Council President Sharp called for the question. The motion to move Ordinance D-1799-06, As Amended, VERSION A – 6/8/06, into business was approved 7-0. There was no Council discussion. Councilor Mayo made a motion to approve Ordinance D-1799-06, As Amended. Councilor Glaser seconded. Council President Sharp called for the question.

Ordinance D-1799-06, As Amended, VERSION A – 6/8/06 was adopted 7-0.

Council President Sharp announced the **Second Reading of Ordinance D-1810-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII, Sections 6-161(b)(3) and 6-161(c)(1) of the Carmel City Code (No Smoking). Councilor Griffiths addressed Council. Council President Sharp passed the gavel to Councilor Glaser to address the Council. Councilor Glaser called for the question. **Ordinance D-1810-06** was defeated 3-4 (Councilors Kirby, Mayo, Griffiths and Sharp opposed).

Council President Sharp reclaimed the gavel from Councilor Glaser.

Council President Sharp announced the **Second Reading of Ordinance D-1811-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Concerning Council District Boundaries. Councilor Glaser made a motion to move Ordinance D-1811-06, As Amended, VERSION B – 6/8/06, into business. Councilor Rattermann seconded. There was brief Council discussion. Council President Sharp passed the gavel to Councilor Glaser to address Council. Councilor Glaser called for the question. The motion to adopt Ordinance D-1811-06, As Amended, VERSION B – 6/8/06, failed 2-5 (Councilors Kirby, Mayo, Griffiths, Sharp and Carter opposed). Council President Sharp reclaimed the gavel from Councilor Glaser. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1811-06** was adopted 4-2 (Councilors Glaser and Rattermann opposed), (Councilor Carter did not vote).

Council President Sharp announced the **Fifth Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian). Councilor Glaser addressed Council. Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 E. 98th Street, Suite 170, Indianapolis, IN 46280, addressed Council. Also in attendance were Ed Hackett, Jeff Pape and Jon Isaacs from Centex Homes. There was extensive Council discussion. Council President Sharp passed the gavel to Councilor Glaser to address Council. Councilor Glaser called for the question. Ordinance Z-489-06 was defeated 3-4 (Councilors Mayo, Griffiths, Sharp and Carter opposed).

Council President Sharp reclaimed the gavel from Councilor Glaser.

Council President Sharp announced the **Second Reading of Ordinance Z-492-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Village Green Planned Unit Development District (Village Green Townhomes – 211 West Smokey Row Road). Councilor Rattermann referred to Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 E. 98th Street, Suite 170, Indianapolis, IN 46280 to address Council. There was brief Council discussion. John Talbott, Drees Homes, 6650 Telemon Drive, Indianapolis, IN., addressed Council. Bruce Skare, Bay Development, addressed Council. Councilor Mayo made a motion to approve Ordinance Z-492-06. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance Z-492-06** was adopted 7-0.

PUBLIC HEARINGS

Council President Sharp announced the **First Reading of Ordinance D-1808-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating a Portion of a Public Right-Of-Way (Old Meridian Street). Councilor Kirby made a motion to move this item into business. Councilor Griffiths seconded. Councilor Rattermann presented this item to Council and referred to Paul Reis, Attorney, Bose McKinney & Evans, 600 E. 96th Street, Suite 500, Indianapolis, IN 46240, for a presentation to Council. There was no Council discussion. Council President Sharp opened the Public Hearing at 8:30 p.m. Seeing no one who wished to speak, Council President Sharp closed the Public Hearing at 8:30:30 p.m. Councilor Kirby made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Glaser seconded. There was brief Council discussion. Council President Sharp called for the question. The motion was approved 7-0. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1808-06** was adopted 7-0.

NEW BUSINESS

Council President Sharp announced the **First Reading of Ordinance D-1809-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating A Platted Right-Of-Way (Pearl Street – Rolling Meadows Subdivision). Councilor Rattermann made a motion to move this item into business. Councilor Mayo seconded. Council President Sharp passed the gavel to Councilor Glaser to present this item to Council. There was no Council discussion. Councilor Rattermann made a motion to suspend the rules and not send this item to committee. Councilor Griffiths seconded. Councilor Glaser called for the question. The motion was approved 7-0.

Council President Sharp reclaimed the gavel from Councilor Glaser.

Council President Sharp announced the **First Reading of Ordinance D-1813-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving and Adopting Interlocal Agreement (Deputy Prosecuting Attorney). Councilor Carter made a motion to move this item into business. Councilor Mayo seconded. Councilor Carter presented this item to Council and referred to Carmel Chief of Police, Mike Fogarty, to address Council. There was brief Council discussion. Councilor Kirby made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Mayo seconded. Council President Sharp called for the question. The motion was approved 7-0. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1813-06** was adopted 7-0.

OTHER BUSINESS

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This item remains Tabled.

ANNOUNCEMENTS

There were none.

EXECUTION OF DOCUMENTS

Mayor Brainard adjourned the meeting at 8:45 p.m.

ADJOURNMENT

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC